

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sergio Guerra	Team: Squad #10	CCRB Case #: 201404787	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/15/2014 8:05 AM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 11/15/2015	EO SOL 11/15/2015	
Date/Time CV Reported Fri, 05/16/2014 10:30 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 05/16/2014 10:30 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT1 George Gelada	04184	904015	WARRSEC
2. DT3 Christophe Covatti	01025	906017	WARRSEC
3. DT1 Mario Muniz	05384	904641	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT1 George Gelada	Abuse: On May 15, 2014, Det. George Gelada entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	§ 87(2)(b)
B.DT1 George Gelada	Force: On May 15, 2014, Det. George Gelada pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.	§ 87(2)(b)
C.DT3 Christophe Covatti	Force: On May 15, 2014, Det. Christopher Covatti pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.	§ 87(2)(b)
D.DT1 Mario Muniz	Force: On May 15, 2014, Det. Mario Muniz pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.	§ 87(2)(b)
E.DT1 George Gelada	Off. Language: On May 15, 2014, Det. George Gelada made remarks to § 87(2)(b) based upon ethnicity at § 87(2)(b) in Queens.	§ 87(2)(b)
F.DT1 George Gelada	Discourtesy: On May 15, 2014, Det. George Gelada spoke discourteously to § 87(2)(b) at § 87(2)(b) in Queens.	§ 87(2)(b)

Case Summary

As per § 87(2)(b) on May 15, 2014, at approximately 8:05 a.m., Det. George Gelada, the lead officer in the case of § 87(2)(b) § 87(2)(b) who was wanted in relation to a homicide and the violation of a federal probation warrant, banged on his unlocked basement door at § 87(2)(b) in Queens and entered, followed by Det. Christopher Covatti, Det. Mario Muniz, and U.S. Marshals § 87(2)(b) and § 87(2)(b) (Allegation A). The officers allegedly pointed their guns at § 87(2)(b) (Allegations B, C, and D) and a search was conducted. § 87(2)(b) was handcuffed. When § 87(2)(b) failed to respond to Det. Gelada's questions, including asking him about an SUV which they stated had been parked outside the house for several days, Det. Gelada allegedly repeatedly called § 87(2)(b) a "black Jamaican," adding in "murderer," "bastard," and "fucker." (Allegations E and F) After Det. Gelada was done questioning § 87(2)(b) handcuffs were removed and the officers exited (encl. 9b-9c). No arrest was made and no summons was issued. The case was originally assigned to Investigator Vaillancourt, but was reassigned on December 19, 2014 upon her departure from the agency.

Mediation, Civil, and Criminal Histories

§ 87(2)(b) declined to mediate the complaint and filed a Notice of Claim with the City of New York (encl. 25a-25e). Although multiple calls were made to § 87(2)(b) attorney to determine the status of § 87(2)(b) 50H hearing, none of the phone calls were returned. The 50H hearing transcript will be included in the case file upon receipt at the CCRB. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 7).
- Det. George Gelada has been a member of the NYPD for 21 years. He has had 8 previous CCRB cases with 13 allegations, including premises entered and/or searched, discourtesy, and offensive language. In CCRB # 200711810, premises entered and/or searched, as well as refusal to provide name/shield number allegations were substantiated, with charges recommended. As for the entry allegation, the NYPD disposition was "No Disciplinary Action," while the NYPD disposition for the name/shield allegation was "Command Discipline-B." In the same case, Det. Gelada was alleged to have stated, "stupid Jamaicans" and "you Jamaicans are stupid," but the allegations were not substantiated (encl. 4a-4b).
- Det. Christopher Covatti has been a member of the NYPD for 21 years and has had no previous CCRB complaints (encl. 5).
- Det. Mario Muniz has been a member of the NYPD for 21 years. He has had 3 previous CCRB cases with 5 allegations including premises entered and/or searched and discourtesy, none of which were substantiated (encl. 6).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) stated that PO1 was the lead officer and the first to approach him inside of the apartment after entering. He alleged that PO1 spoke discourteously to him and used offensive language directed at him. He described PO1 as a Hispanic or White male, 5'7" tall and bulky, in his late forties, and bald in the front with a little bit of light-colored hair in the back (encl. 9b-9c).

Det. George Gelada is listed as a Hispanic male with a heavy build, self-identifying as 5'11" tall and 210 lbs. Det. Gelada is balding in the front with salt and pepper hair around the back of his head. He acknowledged being the lead officer in the case, tracking the car via GPS to the location, speaking to neighbors concerning the suspect, and questioning § 87(2)(b). He believed he was the first officer to open the basement door to enter (encl. 13c-13e).

In regards to the guns pointed allegation, § 87(2)(b) alleged that an unspecified number of officers had their guns pointed at him upon entering (encl. 9b). Det. Christopher Covatti and Det. Mario Muniz acknowledged entering the apartment along with Det. Gelada (encl. 14e; 15f).

§ 87(2)(g)

Allegations not pleaded

In addition to the allegations made against PO1, identified by the investigation as Det. George Gelada, § 87(2)(b) alleged that PO2, who he described as a black male, 300 lbs., and 6'0" tall, called him a "black Jamaican." None of the NYPD detectives interviewed are black or 300 lbs. (encl. 9b; 13c; 14c; 15d). Based on the descriptions of the U.S. Marshals provided by the NYPD detectives interviewed, none of the U.S. Marshals match this description either. § 87(2)(g)

§ 87(2)(g)

In regards to Det. Christopher Covatti, he was following the lead of Det. George Gelada, the lead officer assigned to § 87(2)(b) case. Det. Gelada took all of the investigative steps in the case, spoke to § 87(2)(b) and § 87(2)(b) and was the first to enter § 87(2)(b) basement apartment. Furthermore, given Det. Covatti's positioning in front of the basement door, he acknowledged that he could not see inside of the basement or hear if § 87(2)(b) was saying anything. § 87(2)(g)

In regards to Det. Mario Muniz, given the fact that he was brought to the scene to accompany U.S. Marshal § 87(2)(b) and did not have any prior knowledge of the investigation into § 87(2)(b) § 87(2)(g)

Additionally, although § 87(2)(b) stated that he was handcuffed during the incident and that his handcuffs were re-tightened when he was sat down, § 87(2)(b) could not provide any context in regards to why it was done and did not make any specific allegations in regards to it. § 87(2)(g)

Lastly, on March 13, 2015, § 87(2)(b) was spoken to via telephone regarding his observations on the day of the incident. He stated that on May 15, 2014, officers went to his house at § 87(2)(b) in Queens, approximately half a block from § 87(2)(b). With their vehicles, the officers blocked his car in, asked him to exit his vehicle and questioned him regarding a suspect they were looking for, stating that the suspect's vehicle had been parked in front of his house for a couple of days. The officers never entered the house (encl. 11). Although § 87(2)(b) provided this information, he did not express a desire to file a complaint about the officers, nor did he state that he wanted the CCRB to pursue any allegations against the officers. § 87(2)(g)

Recommendations

Allegation A: Abuse-On May 15, 2014, Det. George Gelada entered and searched § 87(2)(b) in Queens.

It is not in dispute whether Det. George Gelada entered and searched § 87(2)(b) apartment. § 87(2)(g)

During § 87(2)(b) CCRB interview, he stated that as he was in his bedroom in the basement of § 87(2)(b) he heard banging on his front door, which was unlocked. The second door behind it was open. As he looked through the doorway, officers had allegedly entered. Det. Gelada was the first officer to approach him and handcuffed him. After § 87(2)(b) was asked for his identification, he went into his bedroom to show the officers where it was and noticed that his cabinets had been "ransacked." § 87(2)(b) was asked about an SUV that the officers stated was parked outside the house for several days, which he told Det. Gelada he had not noticed. As he was questioned, Det. Gelada and three

other officers searched his apartment. He was shown a photo of a black male suspect, identified by the investigation as § 87(2)(b) who he did not know, and refused to answer any more questions. The handcuffs were removed and the officers exited (encl. 9b-9c).

During § 87(2)(b)'s initial CCRB telephone statement, she stated that she was approached by 3-4 officers at her first floor apartment at § 87(2)(b). They asked if anyone lived on the second floor and if she had seen a car parked along the side of her house over the last two weeks. She told them no. They showed her a picture of the suspect and asked if she knew him, to which she stated, "I didn't see that person. I don't know that person." She never stated that the suspect lived at that location and never motioned in regards to where he could be. During her second telephone statement, she stated that when they asked if someone lived in the basement, she told them, "Sometimes I see people coming in the basement. I see a man coming into the basement," but did not know who, as she does not really see the people in the basement. She did not know if there was anyone in the basement at that time, never indicated that, and was never asked about it. She never associated the person in the photo or car to the basement. One officer then spoke with her neighbor, § 87(2)(b) (encl. 12a-12b).

During § 87(2)(b)'s initial CCRB telephone statement, he stated that he did not remember an incident involving the NYPD, did not involve himself with the police, and hung up. Two months later, § 87(2)(b) was re-contacted. He stated that officers showed him a photo of a suspect who he did not recognize, telling them he did not know the individual. He did not say the individual lived next door or that he had seen him going in and out of the basement. In regards to the vehicle, he told them that he saw it, but not who got in or out of it. § 87(2)(b) told § 87(2)(b) that the officers also asked her about the suspect in the photo and she told them that she had never seen him. § 87(2)(b) also stated that the officers asked him if he knew of Jamaican males that lived in the area. He pointed out three houses of individuals of Jamaican descent in the neighborhood, including § 87(2)(b) residence (encl. 10).

During § 87(2)(b)'s CCRB telephone statement, he stated that after 5-6 officers approached him at his house at § 87(2)(b) and showed him a photo of a suspect, he stated he did not know the individual. They stated that they were watching his house for a couple of days and saw a Jeep parked in front of it for a couple of days, but that it was no longer there. § 87(2)(b) had never seen the vehicle. Some officers then rushed to the corner house, identified by the investigation as § 87(2)(b). § 87(2)(b) did not see a Jeep matching that description at the corner house (encl. 11).

During Det. George Gelada's CCRB interview, he stated that he, Det. Christopher Covatti, Det. Mario Muniz, and U.S. Marshals § 87(2)(b) and § 87(2)(b) went to § 87(2)(b) to search for § 87(2)(b). He was the lead officer on § 87(2)(b) case, who had a federal probation warrant and an I-card issued for him in relation to a homicide. The rental SUV used by § 87(2)(b) to flee the scene was tracked via GPS to that location. He and Det. Covatti observed the SUV parked on the street adjacent to the side door along § 87(2)(b) (encl. 8a). He spoke to § 87(2)(b) who the investigation determined to be § 87(2)(b) as she exited the side door of the location, showing her § 87(2)(b) photo. She did not say that she recognized him but stated, "Try the basement." He "read between the lines," believing she was trying to provide information. § 87(2)(b) who resides in the house whose side faces the back of § 87(2)(b) house, approached Det. Gelada. He was asked about the SUV and shown § 87(2)(b) photo. He did not recognize the SUV but stated that he sees him "going in and out of the basement" and that he had seen him recently. Det. Gelada asked him, "Do you think he could be in there now?" § 87(2)(b) responded, "He could be" but was not sure. Based on this, Det. Gelada believed they should search the basement. The three officers and two U.S. Marshals approached the basement and knocked on the screen door, identifying themselves as the police. The inner door was open. Through the screen door, Det. Gelada saw § 87(2)(b) look through the doorway at the back of the hallway. They announced themselves and asked him to come to the door, but § 87(2)(b) stayed put. After a couple of minutes, § 87(2)(b) waved them in. Det. Gelada believed he opened the door to enter. After entering, they asked if they could look for § 87(2)(b). § 87(2)(b) stated, "Go ahead," prompting the U.S. Marshals to search the apartment. After § 87(2)(b) was interviewed, the officers exited (encl. 13d-13h). In Det. Gelada's DD5s, on May 9, 2014, he went to § 87(2)(b) the residence of § 87(2)(b).

wife, § 87(2)(b), but there was no answer. Det. Gelada then went to § 87(2)(b) and showed § 87(2)(b) photo. § 87(2)(b) stated that the subject comes and goes from § 87(2)(b). On May 12, 2014, Det. Gelada was informed by § 87(2)(b) probation officer that the addresses he had for § 87(2)(b) were § 87(2)(b) § 87(2)(b) as well as § 87(2)(b). Later that day, On Star Investigator Hendrix activated the GPS on § 87(2)(b) vehicle and stated that it was parked on the corner of § 87(2)(b) in Queens. Continuing that same day, Det. Gelada noted that § 87(2)(b) vehicle was parked on the side of § 87(2)(b) where he conducted surveillance on the vehicle with negative results. On May 13, 2014, acting on information provided by § 87(2)(b) probation officer, Det. Gelada visited § 87(2)(b) for § 87(2)(b) the co-defendant on § 87(2)(b) federal case. On May 15, 2014 after visiting § 87(2)(b) of § 87(2)(b) t and § 87(2)(b) of § 87(2)(b), and entering § 87(2)(b) Det. Gelada's DD5 entry read, "The above location is the residence where the subject's rental car was parked." § 87(2)(b)'s name was also noted in the same entry, but there was no mention of her having referenced the basement apartment. On May 16, 2014, Det. Gelada returned to § 87(2)(b) the residence of § 87(2)(b) wife, but there was no answer. § 87(2)(b) was apprehended on § 87(2)(b) (encl. 16b-16g; 17a-17bb).

During Det. Christopher Covatti's CCRB interview, he stated that Det. Gelada was the lead officer, tracking § 87(2)(b) vehicle via GPS to the location. The vehicle was parked on § 87(2)(b) adjacent to the side door of the house. Det. Gelada knocked on the side door and spoke to a woman, identified by the investigation as § 87(2)(b) showing her § 87(2)(b) photo. Det. Gelada informed Det. Covatti that she said the individual looked familiar and to "try the basement." Another neighbor, identified as § 87(2)(b) was approached by Det. Gelada, who showed him the photo. Det. Gelada informed Det. Covatti that the neighbor said § 87(2)(b) did look familiar and that he sees him "coming in and out of the basement." Det. Gelada decided to approach the basement based on this and the vehicle's location. The three officers and two U.S. Marshals lined up in front of the basement door, with Det. Gelada in the lead, followed by Det. Covatti. Det. Gelada knocked on the outer door and stated that he saw an individual stick his head through the doorway at the back of the basement, but could not determine if it was § 87(2)(b). Given his position in the line, Det. Covatti could not see inside and did not hear § 87(2)(b) say anything. Det. Gelada opened the door, stated "Police Department!" and entered 10-15 seconds after first observing § 87(2)(b) and 20-30 seconds or a minute after the first knock. Det. Covatti believed that no permission was given by § 87(2)(b) to enter. Upon entering into the apartment, it was immediately apparent to Det. Covatti that § 87(2)(b) was not the suspect. § 87(2)(b) told the officers to "go take a look" around and they did. After Det. Gelada and a U.S. Marshal interviewed § 87(2)(b) the officers left (encl. 14d-14g).

During Det. Mario Muniz's CCRB interview, he stated that Det. Gelada said he had information from the previous day that § 87(2)(b) car was at that location. However, Det. Gelada specifically stated the car was not there at that time. Det. Gelada then spoke to a female at the side door, identified as § 87(2)(b) showing her the photo of § 87(2)(b). Det. Muniz did not hear what was said but saw her motion downwards with her finger. Based on this, Det. Gelada thought § 87(2)(b) was in the basement. Det. Muniz was never told if § 87(2)(b) lived at that address. Lined up with Det. Gelada in the lead, they went to the basement. Det. Muniz could not see into it. Det. Gelada knocked and stated, "Police!" After 2-3 minutes, Det. Gelada observed someone inside, stating, "He's inside, I believe that's him," immediately opening the door and entering with the officers and a U.S. Marshal behind him. Det. Muniz was not sure if § 87(2)(b) provided consent to enter and stated that § 87(2)(b) did not say anything upon their entry. When he was secured, the officers did a protective search. After § 87(2)(b) was questioned, the officers exited. Det. Muniz was never told that someone informed the officers that § 87(2)(b) was seen going "in and out of the basement" but was told by Det. Gelada that at some point, someone said § 87(2)(b) could be in the basement. Det. Muniz and U.S. Marshal § 87(2)(b) then conducted surveillance at § 87(2)(b) identified as § 87(2)(b)'s residence, watching for § 87(2)(b) car. He did not know how that address was obtained (encl. 15e-15h).

In regards to the legality of the entry, the Supreme Court has held that an arrest warrant permits an officer to enter a residence provided that they reasonably believe it belongs to the suspect and they reasonably believe the suspect is present at the time they enter (see People v. Smith, 9 Misc. 3d 1105(A), 806 N.Y.S.2d 447, 2005 NY Slip Op 51408(U), 2005 N.Y. Misc LEXIS 1904, 234 N.Y.L.J. 30 (encl. 1c)).

§ 87(2)(g)

Without a search warrant, an officer may only permissibly enter the dwelling of a third party in order to execute an arrest warrant either with the consent of the authorized party or under exigent circumstances (see People v. Fakoya, 901 N.Y.S.2d 909, Sup. Ct., Kings Cty. 2009 (encl. 2c)). Det. Covatti acknowledged that no consent was provided to enter and no exigent circumstances existed, which corroborates § 87(2)(b) statement.

§ 87(2)(e)

§ 87(2)(g)

Allegation B-Force: On May 15, 2014, Det. George Gelada pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.

Allegation C-Force: On May 15, 2014, Det. Christopher Covatti pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.

Allegation D-Force: On May 15, 2014, Det. Mario Muniz pointed his gun at § 87(2)(b) at § 87(2)(b) in Queens.

§ 87(2)(g)

During § 87(2)(b) CCRB interview, he alleged that when he looked through his bedroom door, he saw officers coming towards him and heard guns clicking and “all pointed at me.” § 87(2)(b) could not estimate the number of officers he observed (encl. 9b).

§ 87(2)(b) and § 87(2)(b) were not present for the allegation in question (encl. 10-12b).

During Det. George Gelada’s CCRB interview, he stated that as the officers entered into the basement apartment, he did not have his firearm drawn, but could not recall if Det. Covatti did. He stated that he believed the U.S. Marshals may have had their firearms drawn at their sides, as they are very tactically sound and do not take chances, but could not recall if this was the case, as he was focused on § 87(2)(b) (encl. 13f).

During Det. Christopher Covatti's CCRB interview, he stated that he did not draw his weapon, did not observe Det. Gelada draw his weapon, and did not recall any of the other officers or U.S. Marshals having their guns drawn (encl. 14f).

During Det. Mario Muniz's CCRB interview, he stated no officers had their guns drawn (encl. 15f).

§ 87(2)(g)

Allegation E-Offensive Language: On May 15, 2014, Det. George Gelada made remarks to § 87(2)(b) based upon ethnicity at § 87(2)(b) in Queens.

Allegation F-Discourtesy: On May 15, 2014, Det. George Gelada spoke discourteously to § 87(2)(b) at § 87(2)(b) in Queens.

§ 87(2)(g)

During § 87(2)(b)'s CCRB interview, he stated that after he failed to respond to Det. George Gelada's questions, Det. Gelada allegedly called him a "black Jamaican murderer." As Det. Gelada continued to question him, Det. Gelada allegedly repeatedly called § 87(2)(b) a "black Jamaican," adding in "murderer," "bastard," and "fucker." (encl. 9b-9c)

During § 87(2)(b)'s initial CCRB telephone statement, she stated that officers asked her if she was from Jamaica, to which she said no, she was from Haiti. During her second CCRB telephone statement, she stated that the officers also asked, "What about the upstairs, are they Jamaican?" She informed them they were Haitian (encl. 12a-12b).

During § 87(2)(b)'s second CCRB telephone statement, he stated that the officers asked him if he knew of Jamaican males that lived in the area. He pointed out three houses of individuals of Jamaican descent in the neighborhood, including § 87(2)(b)'s residence (encl. 10).

During § 87(2)(b)'s CCRB telephone statement, he stated that the officers stated that they were looking for an individual from Jamaica (encl. 11).

During Det. George Gelada's CCRB interview, he stated that as the officers entered, he found the initial interaction with § 87(2)(b) very strange, because it seemed § 87(2)(b) was moving slowly in response to commands and seemed to not understand English. Although Det. Gelada recalled § 87(2)(b) having an accent which he described as West Indian, § 87(2)(b) spoke English during his interview. Det. Gelada did not recall anyone commenting on § 87(2)(b)'s accent or ethnicity, including himself. One of the U.S. Marshals may have told him to "speak up," but that was the extent of it. Det. Gelada did not call § 87(2)(b) or hear anyone call § 87(2)(b) a "black Jamaican," a "black Jamaican murderer," a "black Jamaican fucker," or a "bastard." He believed the officers left on good terms (encl. 13f-13g).

During Det. Christopher Covatti's CCRB interview, he stated that he did not hear officers use profanity with § 87(2)(b) or refer to his ethnicity, ancestry, or accent, although he had trouble understanding his accent at times. He did not hear anyone call § 87(2)(b) a "black Jamaican," "black Jamaican murderer," "fucker," or "bastard." (encl. 14f-14g).

During Det. Mario Muniz's CCRB interview, he stated that there was never any mention of § 87(2)(b)'s ethnicity and that he was not informed that an individual of foreign descent was inside or that the officers were told of residences with individuals of Jamaican descent. He did not hear anyone speak discourteously or use profanity to § 87(2)(b) including calling him a "black Jamaican," "black Jamaican murderer," "black Jamaican fucker" or "bastard." (encl. 15g).

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date